

REMARKS/ARGUMENTS

Claims 1-13 are pending in the present application. Claims 1-13 have been rejected. Claims 1, 7, and 10 have been amended. Claims 14-16 have been newly added. No new matter has been added.

Claim 2 has been provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claim 1 of co-pending application number 09/810,810. Applicants have amended claim 1, from which claim 2 depends, thereby obviating the rejection of this claim. Therefore, withdrawal of the rejection of claim 2 under 35 U.S.C. § 101 is respectfully requested.

Claims 1, 3, 4 and 6-13 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Buell (U.S. Patent No. 5,768,079). It is respectfully submitted that claims 1, 3, 4, and 6-13 are allowable over the art of record for the reasons set forth below.

Independent claims 1, 7, and 10 have been amended to include the features of, as represented by claim 1, "if only one fault is determined, then monitoring the fault to determine if the fault evolves into another phase, and if so, opening only the at fault phases of the recloser." In other words, if only one fault is detected during the monitoring, subsequent monitoring will be engaged to determine if the fault evolves into another phase. If the fault does evolve to another phase, then only the phases of the recloser that are at fault are opened. (see application, as originally filed, page 10, lines 1-5). Buell fails to disclose such features.

Buell merely describes fault detection in a power distribution system that services both single phase loads and three phase loads. Buell is able to distinguish gradual changes in phase current due to ordinary current fluctuations from more substantial changes due to a fault. However, after detecting a single phase fault, Buell does not monitor the fault to determine if the fault evolves into another phase, and if so, opening only the phases of the recloser that are at fault, as required by the present invention.

Based on the foregoing, claims 1, 7, and 10, and all claims dependent therefrom, including claims 3, 4, 6, 8, 9, and 11-13, should not be rejected as being anticipated by Buell. Therefore, withdrawal of the rejection of claims 1, 3, 4, and 6-13 under 35 U.S.C. § 102(b) is respectfully requested.

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PATENT

Claims 2 and 5 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Buell in view of Krolski (U.S. Patent No. 3,558,985). It is respectfully submitted that claims 2 and 5 are allowable over the art of record for the reasons set forth below.

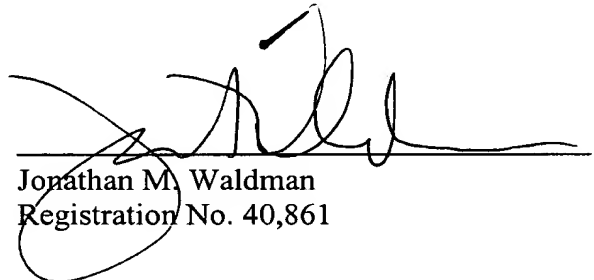
Claims 2 and 5 are dependent on claim 1, and include the features described above with respect to claim 1. Therefore, claims 2 and 5 are patentable for the reasons set forth above. Krolski fails to cure the deficiencies of Buell. Krolski merely describes a recloser and an overcurrent sensor for detecting when a predetermined overcurrent is detected in one or more of three phases. However, Krolski does not monitor a single phase fault to determine if the fault evolves into another phase, and if so, opening only the phases of the recloser that are at fault, as required by the present invention.

Based on the foregoing, claims 2 and 5 should not be rejected as being unpatentable in view of Buell and Krolski, taken alone or in combination. Therefore, withdrawal of the rejections of claims 2 and 5 under 35 U.S.C. § 103(a) is respectfully requested.

Applicants have added new claims 14-16. Basis for claims 14-16 is found in the application, as originally filed, at page 9, lines 25-27. No new matter has been added.

In view of the foregoing amendments and remarks, Applicants submit that the above-identified application is in condition for allowance. Early notification to this effect is respectfully requested.

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